

VZCZCXRO9025
RR RUEHFL RUEHNP
DE RUEHC #2279/01 3522139
ZNR UUUUU ZZH
R 172130Z DEC 08
FM SECSTATE WASHDC
TO RUEHRO/AMEMBASSY ROME 8952
INFO RUEHFL/AMCONSUL FLORENCE 1470
RUEHMIL/AMCONSUL MILAN 5354
RUEHNP/AMCONSUL NAPLES 1470

UNCLAS SECTION 01 OF 05 STATE 132279

SIPDIS

E.O. 12958: N/A

TAGS: [KCRM](#) [KWMN](#) [KTIP](#) [PHUM](#) [PREL](#) [SMIG](#) [IT](#)

SUBJECT: ITALY: TIP ACTION GUIDE TO COMBAT TIP (2008-2009)

REF: 11/21/08 JESTER-BROWNFELD EMAIL OF FINAL
ELECTRONIC VERSION

¶1. This is an action request (see para 5).

¶2. The 2008 Trafficking in Persons Report rates countries as Tier 1 when host governments are fully meeting the minimum standards to combat trafficking in persons (TIP) as defined by the Trafficking Victims Protection Act (TVPA). Remaining on Tier 1, however, is not guaranteed; governments must continue to demonstrate appreciable progress and continued full compliance with the minimum standards. All countries will be reassessed annually to determine whether they evidence satisfaction of all of the minimum standards. Tier 1 countries are subject to slipping to Tier 2 if they do not fully comply with the minimum standards, but do continue to show significant efforts.

¶3. Please keep in mind the TIP Report measures host government efforts. To be useful for tier placement purposes, there should be a concrete role or tangible value-added by a host government in activities by NGOs, international organizations, or posts.

¶4. The following explains steps the government needs to take in order to continue to fully comply with the Minimum Standards for the elimination of trafficking, and therefore qualify for a continued Tier 1 ranking, and offers suggestions to address specific areas of concern highlighted in the 2008 TIP Report. Legal standards are excerpted from the Trafficking Victims Protection Act, as amended. Implementation Principles are excerpted from guidance issued in 07 State 150188 (October 29, 2007) and are not specific to any country or region. Country-specific points are not exhaustive, but offer steps and possible ways to address specific areas of concern. The Department assesses government efforts each year. All governments must show concrete evidence of serious and sustained efforts in eliminating severe forms of trafficking from the previous year. Tier ranking determinations will be based on the government,s efforts to comply with the Minimum Standards to Combat TIP during the April 2008 - March 2009 reporting period.

¶5. Begin action request: At post,s discretion, post may draw upon the below to explain the areas of specific concern noted in the TIP Report and suggested areas to continue to fully comply with the minimum standards (and thus continued Tier 1 placement). Post may offer and/or follow up on the steps below as possible ways to address specific areas of concern highlighted in the 2008 TIP Report. While the list is not exhaustive, it should focus the host government on potential deficiencies in meeting the minimum standards and examples of ways to overcome them. As every year, the Department will weigh the government,s level of support and participation in reported activities, as well as the efficacy and sustainability of government actions, in light of its resources and capabilities.

Begin Action Guide and internal numbering.

¶1. Legal Framework: The government should criminally prohibit TIP and punish such acts.

(A) For TIP crimes, punishment should be prescribed that is commensurate with that for grave crimes, such as forcible sexual assault.

(B) For TIP crimes, punishment should be prescribed that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

Implementation Guideline: At minimum, governments must criminalize and prescribe penalties for all forms of trafficking relevant in the country, including forced labor. This must include the elements of "severe forms of trafficking in persons" -- force, fraud, and coercion. Although desirable, this need not be accomplished through a comprehensive law, so long as relevant elements of trafficking, specifically including fraud/deception and coercion along with force, are covered by the country's laws.

Sanctions for sex trafficking should be on par with rape. The prescribed penalties for sex trafficking crimes or trafficking involving rape, kidnapping or death should be substantially similar to those for rape, taking into account the full range of sentences available. Consistent with the

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UN Convention Against Transnational Organized Crime, criminal penalties to meet this standard should include a maximum of at least four years, deprivation of liberty, or a more severe penalty.

COMPLIANCE: The government was in full compliance as reported in the 2008 TIP Report.

Positive results that should be maintained:

-- Italy prohibits all forms of trafficking in persons through its 2003 Measures Against Trafficking in Persons law, which prescribes penalties of eight to 20 years, imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for forcible sexual assault.

¶2. Prosecution and other Law Enforcement Efforts: The government should show serious and sustained efforts to combat TIP by vigorously investigating and prosecuting TIP acts, and convicting and sentencing persons responsible for such acts.

(A) The government must provide data regarding investigations, prosecutions, convictions, and sentences, consistent with its capacity to do so, or it shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts.

Implementation Guideline: All governments, consistent with their capacity to do so, are required to submit full comprehensive data on trafficking enforcement actions, including length of sentences actually imposed on convicted traffickers, as evidence of their vigorous law enforcement efforts. Imposed sentences should involve significant jail time, with a majority of cases resulting in sentences on the order of one year imprisonment or more, but taking into account the severity of an individual's involvement in trafficking, imposed sentences for other grave crimes, and the judiciary's right to hand down punishments consistent with that country's laws. Convictions obtained under other criminal laws and statutes can be counted as trafficking if the government verifies that they involve trafficking offenses.

COMPLIANCE: The government was fully compliant as reported in the 2008 TIP Report.

Positive results that should be maintained and/or exceeded:
-- The Government of Italy continued its strong law enforcement efforts in 2007. In a major prosecution in April 2007, the government sentenced four Italians and three Romanian traffickers to between three and 12 years, imprisonment after they were convicted for the forced prostitution and exploitation of 200 Roma children between 2004 and 2006. In June 2007, the government prosecuted eight other perpetrators on charges of sexually exploiting children for coercing them into performing sexual acts in exchange for small gifts. Government investigations resulting from the previously reported large-scale anti-trafficking crackdown, Operation Spartacus, between October 2006 and January 2007 are reportedly still ongoing. Italian prosecutors launched trafficking investigations against 1,202 individuals, prosecuted 80 trafficking cases, and courts convicted 163 traffickers in 2007. The average sentence was four years. The government reported that most traffickers remain in detention during the criminal proceedings. For sentences of more than two years, defendants are not eligible for suspended sentences. The government continued its prosecution of 19 traffickers from a 2006 case involving the trafficking of 113 Polish tomato pickers in Puglia who were exploited in forced labor conditions, and will begin to prosecute an additional four perpetrators in early 2008.

13. Victim Protection and Assistance: The government should demonstrate serious and sustained efforts to combat TIP by protecting TIP victims and encouraging their assistance in the investigation and prosecution of their traffickers. Protection should include:

(A) provisions for legal alternatives to victims, removal to countries in which they would face retribution or hardship.

(B) ensuring that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts that were committed as a direct result of being trafficked.

Implementation Guideline: Critical factors considered in whether a country fully satisfies this part of the minimum standards are: (1) Formal, systematic screening procedures

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that proactively identify victims and guide law enforcement and other front line responders in the process of victim identification. (2) Shelter, health care, and counseling should be available to victims, allowing them to recount their trafficking experience to trained social counselors and law enforcement at an appropriate pace, with minimal pressure. Shelter and care may be provided in cooperation with NGOs, but part of the government's responsibility includes funding and referral to NGOs providing services; to the best extent possible, trafficking victims should not be held in immigration detention centers, or other detention facilities. Factors also considered and strongly recommended for favorable placement are: (1) Victim/witness protection, rights and confidentiality; i.e., governments should ensure that victims are provided with legal and other assistance and that, consistent with its domestic law, proceedings are not prejudicial to victims' rights, dignity or psychological well-being; and that victims are provided information in a language they understand. (2) Source and destination countries share responsibility in ensuring the safe, humane and, to the extent possible, voluntary repatriation/reintegration for victims. At a minimum, destination countries should contact a competent governmental body, NGO or IO in relevant source country to ensure that trafficked persons who return to their country of origin are provided with assistance and support necessary to their well-being. Trafficking victims should not be subjected to deportations or forced returns without safeguards or other measures to reduce the risk of hardship, retribution, or re-trafficking.

COMPLIANCE: The government was fully compliant as reported in the 2008 TIP Report.

Positive results that should be maintained and/or exceeded:

-- The Italian government sustained strong efforts to protect trafficking victims during the reporting period. Article 18 of the anti-trafficking law allows authorities to grant residence permits and provide protection and job training services to victims of trafficking, and during the reporting period the government expanded Article 18 benefits to labor trafficking victims. The government allocated \$3.75 million in 2007 for an additional emergency assistance plan and approved 23 projects implemented by NGOs. During the reporting period, it earmarked approximately \$9.75 million for 65 victim assistance projects, although the government did not provide data on the number of trafficking victims who benefited from these projects or the number who entered social protection programs. In 2007, NGOs, with government funding, provided literacy courses for 588 victims and vocational training for 313, helped 436 find temporary jobs and 907 find permanent jobs. In 2007, the Ministry of Interior issued 1,009 residence permits to victims who assisted in a law enforcement investigation. The government also ensured the responsible return of 62 foreign trafficking victims in 2007 by funding their repatriation and reintegration and providing money for resettlement in their home countries. During the reporting period, the government implemented systematic procedures for victim identification among vulnerable populations in Italy. Based on a 2006 independent commission report that its victim identification measures for immigrants arriving in boats from North Africa were not fully effective, the government reportedly improved its process for identifying trafficking victims and it now allows international organizations and NGOs to inspect detention facilities and to interview migrants. In 2007, the government enacted guidelines for the identification of victims of forced labor and promoted four regional studies on victims of labor exploitation.

Recommendation for measures to ensure that the country fully complies with Minimum Standards:

-- Increase outreach to women and children in prostitution and those in detention centers to ensure that trafficking victims are identified, provided care, and not penalized for crimes committed as a result of being trafficked.

14. Prevention: The government should demonstrate serious and sustained efforts to combat TIP by adopting measures to prevent TIP, such as:

(A) steps to inform and educate the public, including potential victims, about the causes and consequences of TIP,

(B) measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country,

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(C) measures to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking,

(D) measures to prevent the use of forced labor or child labor in violation of international standards.

Implementation Guideline: The government should provide/fund a hotline or similar mechanism that offers victims and potential victims assistance/information about TIP. Per the new amendments to the Minimum Standards, starting with the April 2007- March 2008 reporting period to be covered in the 2008 TIP Report, countries should, for example, where applicable: (1) Reduce demand for commercial sex acts:

Implement or support some form of visible awareness campaign that educates the clients of the sex trade (and potential sex trafficking victims) if the country has a significant sex trafficking problem, or a campaign that targets those who form the demand for victims of forced labor about the nature of the relevant form of TIP. Nations with legalized prostitution should make additional efforts to proactively identify TIP victims among those in prostitution in the legalized sex trade. This includes the systematic and sensitive screening of persons in the legalized sex trade.

(2) Address child sex tourism: Countries that have a significant number of nationals traveling abroad as child sex tourists should undertake an awareness campaign that targets tourists traveling to known child sex tourism destinations.

(3) Address trafficking and exploitation committed by multinational peacekeepers: Governments with more than 100 troops on peacekeeping or other similar missions abroad should provide anti-TIP training for these troops (directly or through multilateral efforts), and should investigate and, if appropriate, prosecute any allegations of trafficking crimes or crimes of facilitating trafficking or exploiting trafficking victims committed by these troops abroad and referred to it by the UN or another competent organization.

COMPLIANCE: The government was fully compliant as reported in the 2008 TIP Report.

Positive results that should be maintained and/or exceeded:

-- The Government of Italy continued to educate the Italian public about trafficking through its funding of NGO awareness efforts, and it initiated a new ad campaign in 2007 that included TV spots, internet banners, and bumper stickers in various languages. In March 2007, the Ministry of Interior established a committee designed to improve oversight and prosecution of trafficking and invited NGOs into the policy making process by including their membership on this committee. The Ministry of Interior is in the planning stage of a public awareness campaign, with several other countries, to reduce demand for commercial sex acts and raise awareness about human trafficking called project Pentametro. The Italian Ministry of Defense reported regularly organizes training sessions on human rights and trafficking for both civilians and military personnel who serve in international peacekeeping missions abroad. The government contributed funding to the NGO ECPAT, which conducts child sex tourism prevention activities in Italy. In February 2007, police arrested a university professor in Naples for committing child sex tourism offenses while in Thailand.

Recommendation for measures to ensure that the country fully complies with Minimum Standards:

-- Further expand public awareness campaigns aimed at reducing domestic demand for commercial sex acts and take steps to prevent Italian nationals from engaging in child sex tourism abroad.

15. Corruption and Official Complicity: The government should vigorously investigate, prosecute, convict, and sentence public officials who participate in or facilitate TIP, and take all appropriate measures against officials who condone such trafficking.

(A) This should include nationals of the country who are deployed abroad as part of a peacekeeping or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking.

(B) The government must provide data regarding such investigations, prosecutions, convictions, and sentences, or it shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts.

Implementation Principle: Governments, consistent with their

capacity to do so, must provide full comprehensive data on actions taken against TIP-related complicity. Information on general government corruption does not satisfy this minimum standard, except in cases in which specific cases of complicity are not reported by the government or known to the USG, but where there is a reasonable probability of such complicity within the wider context of generalized corruption in that country.

COMPLIANCE: The government was fully compliant as reported in the 2008 TIP Report.

Positive results that should be maintained and/or exceeded:

-- After local Italian police were initially slow to respond to the Puglia tomato pickers, case, prosecutors and Carabinieri vigorously investigated allegations of official complicity when notified and found no evidence to support the allegations.

Information for further follow-up:

-- According to an NGO based in Genoa working with Nigerian victims of trafficking, some government officials have been imprisoned for facilitating trafficking.

Recommendation for measures to ensure that the country fully complies with Minimum Standards:

-- Continue to vigorously investigate and prosecute trafficking-related corruption at all levels of law enforcement. Share comprehensive data on investigations, prosecutions, and convictions of complicit officials, and the lengths of sentences imposed on those convicted, if specific cases of complicity have occurred.

End Action Guide and internal numbering.

16. The Department appreciates Post,s continued efforts to address trafficking in persons issues.
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